

**Appl. No.** : **10/659,698**  
**Filed** : **September 11, 2003**

### **REMARKS**

Restriction to one of the following groups was required under 35 USC 121:

- Group I      Claims 14-19 and 22-25, drawn to modified phage and modification method, classified in class 435, subclass 235.1.
- Group II      Claims 1-13, 20 and 21, drawn to method of treating infectious disease, classified in class 424, subclass 93.6, for example.

In response to this Restriction Requirement, Applicant elects Group I, that is Claims 14-19 and 22-25 (product claims). Applicant understands that when the product claim is subsequently found allowable, withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claim will be rejoined in accordance with the provisions of MPEP §821.04 and fully examined for patentability.

#### Election of Species

Applicant was further required to elect one species of bacterial family recited in claims 8, 9, and 16. In response to this restriction, Applicant elects the *Escherichia* species with understanding that upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claims as provided by 37 CFR 1.141. Currently, claims 14, 15, 17-19, and 22-25 in the elected Group I are generic.

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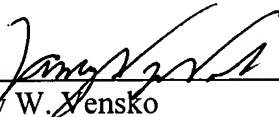
### CONCLUSION

In view of the foregoing, Applicant respectfully requests that this application be passed to issuance. If any points remain that can be resolved by telephone, the Examiner is invited to contact the undersigned at the below-given telephone number.

Respectfully submitted,

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Dated: 11/14/05

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